

REMARKS

Reconsideration is respectfully requested. Claim 21 and 22 are amended.

In item 1 of the Office Action the Examiner asserts that the methods of playing a space game of claims 21-22 must be compulsory illustrated by special drawings. To satisfy the Examiner the Applicant decided to amend the wordings of claims 21-22. Taking into account these amendments the Applicant believes that following the amended claims 21-22 anyone skilled in the art of gambling and random numbers generators is apparently enabled to perform all the essential steps necessary to play a space game using the random number generator by claim 17 and procedure of traditional roulette or traditional lottery. So the Applicant believes that all the features of subject matters of claims 21-22 may be completely illustrated by drawings dedicated to subject matter of claim 17. The Applicant requests the Examiner to reconsider his estimates of wordings of claims 21-22 taking into account the amendments and drawings dedicated to the claim 17.

In the items 2-5 of the Office Action the Examiner asserts that in the claims 21-22 the subject matter was not described in such a way as to enable one skilled in the art to use the invention. The Examiner asks: How would a user go about playing the space game with the procedures of conventional roulette and

conventional lottery? How do the device by claim 17 and gaming procedure of conventional roulette constitute the steps of playing a space game? The Applicant agrees with the assertion partially and decides to amend the wordings of claims 21-22 as in the above-amendments

The Examiner does not doubt correctness of description of random number generator of claim 17, but he doubts the apparentness of using this generator for playing a space game following the gaming procedures of conventional roulette and conventional lottery. Nevertheless these procedures are simple and well known. They are described in many publications including popular encyclopedias. In short, these procedures consist of following steps: providing gamblers with option to make bets on forecast of gaming events which are to be generated by corresponding random number generator (by roulette or lottery drum); actual random numbers generation (draw): comparison forecasts made by gamblers with results of actual random numbers generation; naming the winners in accordance with beforehand established rules.

It is apparent that the game fields "reliably separated from each other and provided with identification markers" of the device by claim 17 may easily be associated with game fields of conventional roulette as well as with bolls in the drum of conventional lottery. Moreover, it is apparent that collisions of game fields with game elements in the device by claim 17 may

easily be associated with stops of ball en face game fields in conventional roulette as well as with drawings of balls from a drum in conventional lottery. So it is apparent now that following the amended claims 21-22 anyone skilled in the art of gambling and random numbers generators is enabled to constitute the steps of how the space game is played using the random number generator by claim 17 and procedures of conventional roulette and conventional lottery.

In items 6-8 of the Office Action the Examiner asserts that the device by claim 17 may obviously be derived from the device patented by Kitazawa. Actually Kitazawa patented only a device for registering space particles in space. The device by Kitazawa implies using onboard a spacecraft the balloon made of flexible material and provided with sensors registering tensions in the material of the balloon caused by collisions with space particles. Since in the device by claim 17 uses registration of collisions with space particles too, it is only natural that in the description by Kitazawa, as fairly notices the Examiner, there are some common features with description of device by claim 17: space particles; technical facility for registering space particles; spacecraft to accommodate this technical facility; sensors used for registering space particles.

Nevertheless this seeming similarity is not sufficient to enable the device by Kitazawa with quality allowing it be used as random number generator for a space game resembling roulette or

lottery. To illustrate this assertion let us compare the fictile craft and roulette wheels. From descriptions containing in popular encyclopedias it follows that both wheels have many common features. They seemingly resemble each other. But the fictile craft wheel lacks essential elements necessary for the roulette game. The major of these elements are pockets on the wheel providing halts of the ball only in predetermined places and game fields on the roulette wheel providing strict identification of these predetermined places. Without these elements it is impossible to play the roulette game using common fictile craft wheel. In other words, any device for playing a game must have some essential features major of which is exclusion of ambiguity in registering game events.

To prove impossibility of using the device by Kitazawa in a space game, let us analyze it from the point of view of exclusion of ambiguity in registering events which the Examiner proposes to consider as game events. The Examiner asserts that space particles in the device by Kitazawa may be considered as game elements (actually in the description by Kitazawa such a definition is absent). To a first approximation it is possible to agree with this assertion. Then the Examiner asserts that in the device by Kitazawa there is a set of sensors "reliably separated from each other and provided with identification markers", which theoretically possible to consider as game event assessment means (actually in the description by Kitazawa such a definition is

absent). To a first approximation it is possible to agree with this assertion too. But the Examiner moves further and asserts that this set of sensors is equivalent to the game fields of the device by claim 17, which are to be "reliably separated from each other and provided with identification markers" by definition. This assertion is obviously contradictory. It may be formally proved by references from a lot of thesaurus, none of which considers the meanings of words "field" and "sensor" as equivalent.

In the description of device by claim 17 the word "field" means a confined part of surface interacting with space particles to play a space game. According to claim 17 the fields are "reliably separated from each other and provided with identification markers" by definition. This feature provides the major essential for games quality, namely exclusion of ambiguity in registering game events. In other words in the device by claim 17 none of space particles is able to collide with more than one game field and cause simultaneous actuation of more than one sensor.

In description of device by Kitazawa there is not a hint of fields. There are only sensors. Actually they may be considered as "reliably separated from each other and provided with identification markers". But there are no reasons to make suggestion that these sensors correspond to any beforehand predetermined fields "reliably separated from each other and

provided with identification markers". This is very important formal contradiction in the assertion of the Examiner.

Actually the sensors in the device by Kitazawa register tensions in the flexible material of the balloon caused by collisions with space particles. Any sensor registers any collision of a space particle with balloon at distance determined only by sensitivity of the sensor and energy of collision. Any collision may be registered by two or even by all sensors simultaneously. This means that even if theoretically imagine some kind of painting allowing to confide some fields provided with identification markers on the surface of the balloon (which is obviously unacceptable exposition), then these fields might not be considered as game fields because it would be impossible to separate them from each other without undertaking special measures. There is no a hint on such measures in the description by Kitazawa. There is no a hint on establishment of any firm correspondence between alleged imaginary fields and sensors in the description by Kitazawa. This means that every sensor by Kitazawa will be actuated by collision of a space particle with any closely located imaginary field depending on the sensitivity of the sensor and energy of collision. So the device by Kitazawa even theoretically does not provide possibility to imagine measures providing exclusion of ambiguity in registration of alleged game events.

All above mentioned notes prove that it is impossible to derive the device by claim 17 from the device by Kitazawa because the last is not able to provide the qualities essential for a game in principle.

In the last part of the item 8 of the Office Action the Examiner contraposes a device invented by Carlin to the device by claim 17. The Applicant notices that the device invented by Carlin is mentioned in the course of consideration of his application for the first time. Nevertheless the Applicant would like to prove that the device by Carlin in principle can not be used in games like roulette and lottery or for registration of alleged game events.

The device by Carlin serves for detection of time, force and place of each punch delivered by one boxer to the body of the other one using sensors located in the boxing gloves.

The Applicant attracts attention of the Examiner to the fact that output of the device by Carlin has been invented for boxing fights. Boxers are human beings so there are no really stochastic events in boxing fight which may allegedly be considered as gaming ones. There always is a possibility of exact planning or even conspiracy where the "human factor" is involved. So this device can not be used in games.

Then, the devise by Carlin like the device by Kitazawa in principle is not able to exclude the ambiguity in detection of the place on the opponent boxer body to which a punch goes to.

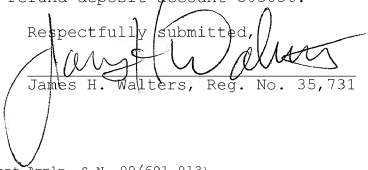
Any medical encyclopedia provides reference that there are no regions "reliably separated from each other and provided with identification markers" in the human body. The lively human body may be divided into parts only very factitiously. Even putting of some fields on the boxer body by paint would not make it possible to differ a punch "above loins" from a punch "below loins" strictly enough for games. So this device can not be used for registration of alleged game events.

All above mentioned notes prove that it is impossible to derive the device by claim 17 from the device by Carlin because the last is not able to provide the qualities essential for a game in principle.

In light of the above noted amendments and remarks, this application is believed in condition for allowance and notice thereof is respectfully solicited. The Examiner is asked to contact applicant's attorney at 503-224-0115 if there are any questions.

It is believed that no fees are due with this filing. However, if it is determined that fees are required to keep the application pending, please charge deposit account 503036. If a refund is owed, please refund deposit account 503036.

Respectfully submitted,


James H. Walters, Reg. No. 35,731

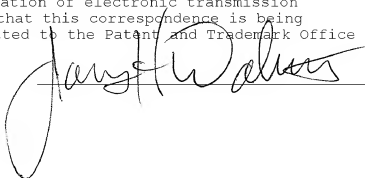
Customer number 802
patenttm.us
P.O. Box 82788

Appl. No. 09/601,913
Amdt. dated September 11, 2008
Reply to Office action of June 11, 2008

Portland, Oregon 97282-0788 US
(503) 224-0115
DOCKET: V-177

Certification of electronic transmission

I hereby certify that this correspondence is being
electronically transmitted to the Patent and Trademark Office on this
September 11, 2008.

A handwritten signature in black ink, appearing to read "J. H. Adams", is written over a horizontal line. The signature is stylized with a large, looping initial "J" and a distinct "H".